

# Exhibit 5

7/3/2018 – Order Re: Contempt & Other Matters  
Along with two (2) examples of records which  
pertain to the subject matter of this lawsuit, which  
the City finally disclosed on 6/29/18 in order to  
avoid contempt sanctions.

Rudd v. Norton Shores Michigan FOIA Litigation  
17-004334-CZ 14<sup>th</sup> Circuit Court, Hon. Timothy G. Hicks

STATE OF MICHIGAN  
IN THE 14<sup>th</sup> CIRCUIT COURT

\* \* \* \* \*

DANIEL W. RUDD,

Plaintiff,

HON. TIMOTHY G. HICKS

v

File No. 17-004334-CZ

CITY OF NORTON SHORES,

Defendant.

\_\_\_\_\_/

Daniel Rudd  
In Pro Persona  
201 S. Lake Ave  
Spring Lake, MI 49456  
231-557-2532

Lisa A. Hall (P70200)  
Attorney for Defendant  
PLUNKETT COONEY  
333 Bridge St. NW, Ste. 530  
Grand Rapids, MI 49504  
616-752-4615

**ORDER REGARDING CONTEMPT AND OTHER MATTERS**

The court held its hearing on June 29 and enters these orders, all for the reasons noted on the record:

1. The defendant delivered the required documents on June 29, so the court makes no finding of contempt, civil or criminal, relating to the defendant's submission of the citizen complaints.
2. The court has conducted its review of the documents ordered in the May 3 order. It made some adjustments on the record, and now concludes the defendant has completed its obligations, as defined in that order.
3. The May 3 order claimed that that was a final order which closed the case. This one, with the findings about the contempt and after reviewing the 600+ pages submitted, should be considered a final order which concludes this court's work.

IT IS SO ORDERED.

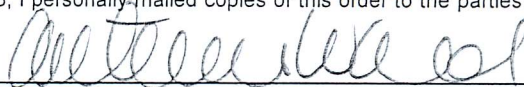
Date: July 2, 2018



Timothy G. Hicks, P35198  
Circuit Judge

CERTIFICATE OF MAILING

I hereby certify that on the 2<sup>nd</sup> day of July, 2018, I personally mailed copies of this order to the parties above named at their respective addresses, by ordinary mail.



Autumn R. Ward, Circuit Court  
Judicial Secretary

## NORTON SHORES POLICE DEPARTMENT

Official Complaint  
Page 1

Complainants Name Social Security Administration		Control Number IA -2016-12	
Address 330 Ionia, suite 102, Grand Rapids		Assigned Investigator Lt. Michael Kasher	<input type="checkbox"/> Inquiry <input type="checkbox"/> Informal <input checked="" type="checkbox"/> Formal
Phone Number / E-mail 616-451-4754		Reviewed/Assigned by: J Gale	Date 10/14/2016
Date of Incident 10/20/2014	Time of Incident 12:19	Location of Incident 1427 w. Sherman	
Employee(s) Involved Michael Wasilewski			

**NARRATIVE (provide detailed description of the incident/complaint):**

Special Agent William C Brown stopped in to see me at NSPD on this date. He advised that he was assigned to investigate a possible LEIN violation involving Ofc. Wasilewski.

The possible violation occurred on 10/20/2014. Ofc. Wasilewski used LEIN to check for warrants on a Pablo Fierro. Mr. Fierro at the time was wanted by the Social Security administration for Social Security Fraud. This information was not put into LEIN to avoid local officers from checking the status of Mr. Fierro. It is unknown why Ofc. Wasilewski checked Mr. Fierro through LEIN.

Additionally, SA Brown advised that he had interviewed Mr. Adam Sobezak who was a previous business partner. Sobezak stated that the Fierro family had several officers who would check for warrants for Pablo.

Also, Pablo Fierro's daughter Elizabeth Melgarejo testified under oath in federal court regarding officers running LEIN for the family. Her statement is as follows "We have a lot of officers that work in the police department or government that would look for us because they wanted to make sure that, you know, everything-if there was a warrant".

This investigation was requested by the United States Attorney's office and assigned to SA Brown.

I have assigned this Internal Affairs complaint to Lt. Kasher.

NOTICE: This document is considered to be an official police report. Knowingly filing a false police report may be a violation of Michigan Statute 750.411a.

Complainants Signature		Date
Received by	ID #	Date / Time

27



## NORTON SHORES POLICE DEPARTMENT

## Official Complaint

Page 1

Complainants Name Sgt Marvin Petty		Control Number IA 2014-08	
Address Muskegon Heights PD		Assigned Investigator Lt. Jon Gale	<input type="checkbox"/> Inquiry <input checked="" type="checkbox"/> Informal <input type="checkbox"/> Formal
Phone Number / E-mail		Reviewed/Assigned by: D Shaw	Date
Date of Incident 4/15/2014	Time of Incident	Location of Incident Muskegon County Building	
Employee(s) Involved Sgt. Matthew Rhyndress			

**NARRATIVE (provide detailed description of the incident/complaint):**

On April 17, 2014 at approx. 0900 hrs., I received a telephone from Chief Lynne Gill, Muskegon Heights PD requesting a face to face meeting regarding a personnel matter. We agreed to meet at the Brew House.

Chief Gill provided me with a memo sent to him by Sergeant Marvin Petty dated April 15, 2014 in which he summarizes contact with Sergeant Rhyndress earlier that day (see attached). Sergeant Petty states that Sergeant Rhyndress made verbal threats towards him in the Muskegon County Building. Apparently, Sergeant Rhyndress was in the County Building for a hearing related to his pending divorce.

Though Sergeant Rhyndress was not on-duty at the time of this reported incident, the threats if accurate did imply retaliatory use of, or intentional withholding of, his law enforcement powers authorized by the City of Norton Shores. As such, this incident does impact the Norton Shores Police Department and must be investigated.

Assigned to Lieutenant Jon Gale for investigation.

**STATUS:**

OPEN, Pending Investigation.

NOTICE: This document is considered to be an official police report. Knowingly filing a false police report may be a violation of Michigan Statute 750.411a.

Complainants Signature		Date
Received by	ID #	Date / Time

7